

During the interview, the rejection of the claims under 35 U.S.C. §112 was discussed. This rejection relates to two limitations in the claims. The first relates to the golf ball "maintaining the first state while immersed in water up to a time period that is greater than two (2) days, but less than one hundred and eighty (180) days." The second relates to sensing that the golf ball has the changed second performance characteristic by striking the ball after immersion.

On page 15 of the Applicant's specification, beginning on line 12, it is stated as follows:

Preferably, the golf ball will not degrade upon being immersed in water continuously for a period of up to two days (48 hours). That is, within the two day period there is no detectable change to the performance characteristics of the golf ball by reason of its continuous immersion. If recovered within the two days, the golf ball can be used in a normal manner without any detectable compromise in performance determinable by a user by striking the golf ball.

On page 16, in lines 6 through 8, it is stated:

Preferably, the change in performance characteristics contemplated is such that it will be detectable to even an average golfer by striking the golf ball with a golf club.

On page 10, in lines 5 through 7, it is stated:

Consequently, once the material melts to a significant degree, the golf ball 20 may not be practically usable to play golf with or will be noticeably compromised in terms of its performance.

Accordingly, it is respectfully submitted that there is clear support for the above two limitations. Withdrawal of the rejection of the claims under 35 U.S.C. §112 is thus requested.

As noted in the applicant's specification, and described in previously submitted Amendment "A" herein, the objective of the present invention is to avoid resale of golf balls that are recovered from water holes after immersion therein for significant periods

of time. Winskowicz is directed to the same objective, that being to alert a potential purchaser of a used golf ball if the same has been immersed in water. However, Winskowicz achieves his objective in a very different manner.

The reason that recovery of immersed golf balls is discouraged is that, as Winskowicz notes in column 1, in the Background of the Invention, conventional balls lose "carry" after immersion in water for extended periods. Winskowicz alleges that certain golf ball constructions lose carry of 6 yards after immersion for eight days and 15 yards after immersion for six months. This loss of carry will be virtually undetectable to an average golfer upon striking a golf ball. However, the golf ball industry is extremely competitive and companies constantly boast of even a few extra yards to distinguish their products from their competitors'.

Winskowicz' invention is not concerned with changing the performance characteristics of a golf ball, as is the focus of Applicant's invention. Winskowicz merely gives a visual indication that a golf ball has been immersed.

Applicant's invention, on the other hand, is concerned with changing the performance characteristics of a conventional type golf ball--speeding up the degradation process that would otherwise normally take place after extended periods of immersion in water.

The ability to maintain the first performance characteristics after immersion for up to two days is significant in that the golf ball, according to the invention, is thus capable of being used in normal play, as in rainy conditions. Further, the ball can be hit into the water and recovered during a round of golf without degradation. However, by speeding up the degradation process, and causing degradation within a period greater than 2 days and less than 180 days that is detectable to an average golfer by striking

the golf ball with a golf club, recovery of golf balls from water holes, and re-use of the same may be precluded.

In summary, a conventional golf ball does not have a structure that makes the performance of the method in claim 1 possible. Winskowicz does not teach or suggest changing performance characteristics of a conventional golf ball after immersion. Winskowicz only gives a visual indication that evidences the fact that the ball has been immersed. According to the Applicant's method, a conventional-type (usable to play regulation golf) golf ball can be used in rainy conditions or immersed, so long as this continuous exposure to water does not reach at least 2 days. Within the 2 to 180 day range of claim 1, a change in performance characteristics, noticeable to an average golfer, takes place that does not take place with a conventional golf ball or with Winskowicz', thereby alerting the user to the fact of the immersion of the golf ball.

Accordingly, claim 1 is believed to be allowable.

Claims 2, 3, 8 and 11 depend from claim 1 and recite further significant limitations to further distinguish over Winskowicz. Claim 2 changes the period within which the change in performance characteristics occurs to between 2 and 30 days. Claim 8 changes the upper range to seven (7) days.

Claim 3 specifically characterizes the change of state as such that it can be detected by striking a golf ball by a user.

Claim 11 recites the step for sensing the change in performance characteristics by striking the ball.

The arguments advanced relative to the allowability of claim 1 apply equally to claim 4 as they relate to the immersion period between 2 and 180 days. Claim 4

specifically characterizes the change in state as detectable by a golfer by striking the golf ball with a golf club, which limitation is not expressly required in claim 1.

Claims 5 through 7 and 12 depend from claim 4 and recite further significant limitations to further distinguish over the cited art.

Claims 9 and 10 depend respectively from claims 1 and 4 and characterize the second performance characteristic as such that it is impractical to use the golf ball to play golf with the second performance characteristic. This more clearly distinguishes the claimed invention from the art cited.

This application is related to pending parent application Ser. No. 10/025,396, which was discussed at the interview together with this case. It is respectfully suggested that the Examiner may wish to consider both applications together since the subject matter is closely related.

The Examiner also indicated that she would contact the undersigned if there were additional questions relating to the patentability of the pending claims.

Reconsideration of the rejection of claims 1 through 12 and allowance of the case are requested.

Respectfully submitted,

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